

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**BECKLEY DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**Criminal No. 5:23-cr-00125**

**GARY SAWYERS**

**THE PARTIES' JOINT MOTION FOR CONTINUANCE**

The United States and the defendant, Gary Sawyers, by their respective counsel, jointly move this Court for the entry of an appropriate Order continuing the trial and all case related action for an additional seven weeks from its current date and for a finding of excludable time under the Speedy Trial Act as found in 18 U.S.C. § 3161, *et seq.* In support of this Motion, counsel for the parties state as follows:

(1) The defendant has been charged in a single count Indictment with health care fraud in violation of 18 U.S.C. § 1347. Specifically, the Government contends that the defendant has been defrauding the Veterans Administration (“VA”) of disability and health care benefits awarded to him for the past eighteen years as a result of injuries he sustained in Iraq while serving as a member of the West Virginia Army National Guard. Dkt. No. 1. The trial in this case is recently continued by this Court to March 25, 2025, at 9:00 a.m. in Beckley. Dkt. No. 113. The parties have been further directed to submit pretrial motions to the Court by March 3, 2025, with the pretrial motions hearing scheduled for March 10, 2025, at 11:00 a.m. in Beckley.

(2) Counsel for the defendant has a personal scheduling conflict with the current trial date of March 25, 2025, as he has committed to traveling on Friday, March 28, 2025, to attend his niece's out-of-town wedding in New York. Counsel for the parties have checked their schedules and the schedules of their witnesses and retained experts. The first available date that all of those persons could appear for trial would be during the week of May 12, 2025. Should this suggested date be acceptable to this Court, the current March 25, 2025, trial date would need to be continued for another seven weeks.

(3) Counsel has spoken with the defendant concerning the reasons for the proposed continuance, and the defendant is in agreement with this request to move the trial date to the week of May 12, 2025.

Counsel for the parties and defendant certify that the reasons for the request do not include general congestion of the Court's calendar or the lack of diligent preparation on the part of the parties involved.

**WHEREFORE**, the parties jointly request that this Court enter an appropriate Order continuing the trial date for an additional seven weeks to the week of May 12, 2025. Counsel would further request that a new pretrial motions deadline, a pretrial motions hearing date, and the deadline for submission of jury instructions, voir dire questions, witness lists, and verdict forms be rescheduled by the Court as well.

Respectfully submitted this 20th day of February, 2025.

**GARY SAWYERS**

By Counsel

**UNITED STATES OF AMERICA**

By Counsel

**WESLEY P. PAGE**  
**FEDERAL PUBLIC DEFENDER**

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